

Message

From: Kelly, Shaheerah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93B5AC12171C4246AF92572984EED4ED-SFATEEN]
Sent: 5/20/2019 9:06:51 PM
To: Mary Giraudo [MGiraudo@mbard.org]
CC: Armando Jimenez [AJimenez@mbard.org]
Subject: RE: NSPS Subpart EEEE

Mary,

I spoke to our headquarters office today. Based on our discussion it would be helpful to have more information about the project. It would be helpful if you can provide me the following information.

1. A copy of the ATC permit, and any engineering evaluation for the permit.
2. A description of the pyrolysis process that will be used. You may provide the permit application if it includes this information.
3. You mentioned the curing process using wood waste only. Clarify the wood waste being used for this purpose (i.e., is the wood forest residue? Where does the US Army obtain the wood waste? Is it construction and demolition waste? Does it meet the definition of "wood waste" in 60.2977?).

Thanks for your patience.

Shaheerah Kelly
Permits Office, Air Division (AIR-3)
U.S. Environmental Protection Agency, Region 9
San Francisco, CA 94105
Phone: 415-947-4156
Fax: 415-947-3579
Email: kelly.shaheerah@epa.gov

From: Mary Giraudo <MGiraudo@mbard.org>
Sent: Tuesday, May 14, 2019 3:48 PM
To: Kelly, Shaheerah <Kelly.Shaheerah@epa.gov>
Cc: Armando Jimenez <AJimenez@mbard.org>
Subject: RE: NSPS Subpart EEEE

Shaheerah,

Responses to your questions are in blue:

1. Clarify the basis of the exemption from Subpart AAAA.
Per Section 60.1010 (b), Subpart AAAA only applies to municipal waste combustion units that have a capacity to combust at least 35 tpd but no more than 250 tpd of MSW or refuse-derived fuel. The unit proposed by Sierra Energy is limited to 10 tpd of combined MSW and wood waste. Therefore the unit is subject to Subpart EEEE.
2. Clarify that the title V permit has not yet been issued.
A Title V PTO has not been issued. The facility is still in start-up and testing mode. Based upon the applicability of Subpart EEEE, the local District Authorities to Construct will need to be revised.
3. Are there other waste disposal operations in the area that may be used by the US Army?

The MSW that is being proposed to be combusted is currently hauled off-site to the Johnson Canyon Landfill. The vehicular traffic of a round-trip is over 100 miles per collection between Fort Hunter Liggett and the Johnson Canyon Landfill.

4. What are the extenuating circumstances provided for the extension under *force majeure*?

At this point none. I was just posing this question to you, in the event EPA considers the curing phase of the gas reactor (which is a slow and gradual heating of the refractory over multiple sessions with wood waste only) as the start-up phase and not a commissioning phase. The facility has not operated on MSW to date, and is still in testing phase. Hence the unit has not reached its "charge rate". Accordingly, I wanted to concur with you that the source testing requirement of 180 days after initial startup has not been triggered, Subpart EEEE, Section 60.2928

Please let me know if you have any further questions.

Mary Giraudo, Engineering Supervisor



24580 Silver Cloud Court

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From: Kelly, Shaheerah [<mailto:Kelly.Shaheerah@epa.gov>]

Sent: Tuesday, May 14, 2019 10:39 AM

To: Mary Giraudo <MGiraudo@mbard.org>

Cc: Armando Jimenez <AJimenez@mbard.org>

Subject: RE: NSPS Subpart EEEE

Hi Mary,

Can you provide the following information about the project:

1. Clarify the basis of the exemption from Subpart AAAA.
2. Clarify that the title V permit has not yet been issued.
3. Are there other waste disposal operations in the area that may be used by the US Army?
4. What are the extenuating circumstances provided for the extension under *force majeure*?

Also, based on the information provided so far, the owner/operator would be Sierra Energy, and the facility would be required to comply with the regulations that apply to the project. Please let me know if there is information that shows otherwise.

Thanks.

From: Kelly, Shaheerah

Sent: Tuesday, April 30, 2019 10:50 AM

To: Mary Giraudo <MGiraudo@mbard.org>

Cc: Armando Jimenez <AJimenez@mbard.org>; Rios, Gerardo <Rios.Gerardo@epa.gov>

Subject: FW: NSPS Subpart EEEE

Mary, thanks for your inquiry.

1. It would be helpful to know who is identified as the owner or operator of the facility, even after it is no longer considered a demonstration project. Please let me know.

The 40 CFR part 60, subpart EEEE provisions state at 60.2977 that "Terms used but not defined in this subpart are defined in the Clean Air Act and subpart A (General Provisions) of this part."

The 40 CFR part 60, subpart A general provisions at 60.2 state that "Owner or operator means any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part."

2. Regarding the delegation status, I also looked this up and see that it does not have a "check mark" by its name for 40 CFR part 60, Subpart EEEE. This means that EPA has not delegated the District authority to implement the 40 CFR part 60, subpart EEEE regulations. So EPA implements the regulation until it is delegated to the District. You may contact Doris Lo at (415) 972-3959 or at Lo.Doris@epa.gov if you have questions about obtaining delegation.

Thanks.

Shaheerah Kelly
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Email: kelly.shaheerah@epa.gov

Lastly, I noticed on Subpart A, delegation status, our District did not have a check mark by its name for delegation of Subpart EEEE. Can you confirm we have delegation to enforce this regulation.

From: Mary Giraudo <MGiraudo@mbard.org>

Sent: Thursday, April 25, 2019 8:16 AM

To: Rios, Gerardo <Rios.Gerardo@epa.gov>

Cc: Armando Jimenez <AJimenez@mbard.org>

Subject: NSPS Subpart EEEE

Hello Gerardo,

I was hoping to get some direction regarding a municipal solid waste pyrolysis unit under construction, located at the Department of the Army's Fort Hunter Liggett military training base. The operation was issued ATCs in 2015, and was determined to be exempt from Subpart AAAA. However, the project was just recently discovered to be subject to Subpart EEEE – *Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or Which Modification or Reconstruction is Commenced on or After June 16, 2006.*

In an effort to revise the ATCs, I was hoping to get clarification on the definition of "initial startup" and "institutional facility".

For this demonstration project the ATCs were not issued to the U.S. Army but to the contractor, Sierra Energy. Although the permits are issued to Sierra Energy, would the project still qualify as an institutional facility? Where institutional facility is defined as a land-based facility owned and/or operated by an organization having a **governmental**, educational, civic or religious **purpose** such as a school, hospital, **military installation**, church, or other similar establishment or facility.

Currently, the facility just misses the *rural institutional waste incinerator* exemption to Subpart EEEE by just a few miles, per Section 60.2887 (h)(i). According to OMB Bulletin #05-02, Arroyo Grande, Paso Robles and San Luis Obispo were combined and identified as a Metropolitan Statistical Area. But I would like to advise the facility if there is even an option for them to relocate the unit further away (50 Miles) from the Paso Robles boundary to be able to qualify for the exemption.

If the facility cannot qualify for the institutional exemption, it will be defined as a "very small municipal combustion unit" and subject to initial performance testing of Section 60.2928. Section 60.2928 requires that an initial performance test be conducted within 60 days after the OSWI unit reaches the charge rate at which it will operate, but no later than 180 days after its initial start-up.

Starting in November 2018, the facility has conducted several small campaigns to cure the refractory. The curing process utilized wood waste only, and no MSW has been introduced into the system yet. Clearly, the facility has not only not approached their charge rate but they also have not operated on the intended final fuel of MSW generated from the military base. However, I would like clarification of the statement "but no later than 180 days after **initial start-up**". Could the District interpret initial start-up to mean 180 days after its initial start-up in production phase with the combustion of MSW?

If you disagree with this interpretation, can the facility submit a request for an extension under *force majeure*?

In addition, the produced gases will be treated through a series of scrubbers prior to being discharged to either a flare, prime engine generator, or a Fisher Tropsch processing line. The ATCs issued for both the flare and the engine have source testing requirements. With that being said will the facility need carbon monoxide and oxygen CEMS at each exhaust point (flare and engine), or could the facility install one CEMS at the outlet of the pyrolysis's gas cleaning system?

Lastly, I noticed on Subpart A, delegation status, our District did not have a check mark by its name for delegation of Subpart EEEE. Can you confirm we have delegation to enforce this regulation.

Look forward to discussing this project with you.

Sincerely,

Mary Giraudo, Engineering Supervisor



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